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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Thomas B Schaults CQV Trust,

10 Plaintiff,

11 v.

12 LoanDepot Company LLC, et al.,

13 Defendants.
14

No. CV-23-00091-PHX-DJH

ORDER

15 Pending before the Court is *pro se* Thomas B Schaults CQV Trust’s (“Plaintiff”) *Ex*
16 *Parte* Motion for Restraining Order (“TRO”) (Doc. 7). Therein, Plaintiff requests the
17 Court to issue a TRO before February 4, 2023, to “prevent irreparable harm.” (*Id.* at 3).
18 The Motion will be denied.

19 On January 17, 2023, Plaintiff filed a Complaint and a Petition for Emergency
20 Restraining or Injunction to Terminate Unlawful Foreclosure Sale—Enforcement of
21 Federal Arbitration Act Arbitration Award, which the Court construed as a Motion for a
22 Temporary Restraining Order. (Doc. 1). On January 20, 2023, the Court dismissed
23 Plaintiff’s Complaint for failure to satisfy the federal pleading requirements under Fed. R.
24 Civ. P. 8(a). (Doc. 6 at 2). This was because Plaintiff’s Complaint did “not specify the
25 relief requested nor [] provide sufficient information from which the Court [could]
26 determine its subject matter jurisdiction.” (*Id.*) The Court also denied Plaintiff’s Motion
27 for a TRO because Plaintiff failed to discuss the relevant standards governing temporary
28 restraining orders, namely the *Winter* elements. *See Winter v. Nat. Res. Def. Council, Inc.*,


1 555 U.S. 7, 24 (2008).

2 Plaintiff has not filed an amended complaint and thus there is no operative complaint
3 in this matter. As a result, neither the Court nor the defendants are on notice of which
4 claims Plaintiff is seeking emergency relief on. Plaintiff has also failed to explain the
5 reason *ex parte* relief is required. Indeed, the foreclosure is not until February 4, 2023, and
6 Plaintiff has not described what, if any, harm he would suffer by putting the defendants on
7 notice of this lawsuit. Last, injunctive relief is an “extraordinary remedy,” and Plaintiff
8 bears a high burden to prove injunctive relief is warranted. *Winter v. Nat. Res. Def.*
9 *Council, Inc.*, 555 U.S. 7, 24 (2008). Plaintiff has not even attempted to discuss or meet
10 this burden here, and the Motion is therefore denied.

11 Accordingly,

12 **IT IS HEREBY ORDERED** that Plaintiff’s *Ex Parte* Motion for Restraining Order
13 (Doc. 7) is **denied**.

14 Dated this 25th day of January, 2023.

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18 Honorable Diane J. Humetewa
United States District Judge
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